# THE COURTS.

The New York Elevated Railway Injunction.

Justice Daly's Opinion Reviewed by the General Term.

### THE EFFORTS TO SAVE RUBENSTEIN.

The suit brought in the Court of Common Pleas by John Patten, owner and proprietor of the Pacific Hotel, in Greenwich street, against the New York Elevated road Company to prevent the construction of a out in front of his hotel, in the progress of its hurried but acrimonious litigation has reached the General Term. How a riot seemed imminent on acount of the persistent prosecution by the railroad com-any of its work in digging the joundation for its pillars sult; how a temporary injunction was granted by udge Van Brunt against the railroad company, re-raining it from continuing its obnexious work; how hief Justice Daly has made this injunction permaent; how an appeal was taken from Judgo Duly's cision—all these facts have been given in the HERALD. t was on the appeal referred to that the case came up is Hobinson and Van Brunt being on the bench.

Tal Reger A. Pryor appeared for Mr. Patten, and
dge Emmot for the railroad company. Ex-Judge sx Judge Emmot for the railroad company. Ex Judge Emmot, who opened the argument, insisted that the titile of the plaintiff does not extend to the middle of the street, or include the land within the limits of the street, that the plaintiff's doed plainly excludes the street, and that, whatever may have been the title of the plaintiff's grantora, the plaintiff's boundary, as given by his deed, is the west side of the street, and not the street itself, or its middle thread or line. He next took up the question of the title of the delendants to their franchises. By an act passed April 22, 1867, this company was authorized to build and operate an elevated railroad with a motor since disused, for a certain distance, as an experiment. Commissioners were provided by the act, who were, among other things, to examine this experimental structure, and if they thought proper to certify to its success. Upon obtaining this certificate this company was authorized to build this kind of a read along Greenwich street and North avenue to Harlem River. The experimental section was accordingly built, and the commissioners certified in favor of it July 2, 1867. Therexpon the company continued the construction of the road to Twenty-ninth street. This is the present structure, only the plan of motive power having been changed, in a manner hereafter shown, from stationary to locomotive power. In 1868 an act was passed with reforence to this company. The only part of this act to which he deemed it necessary to refer was a clause authorizing the change of the name of the company from West Side and Yonkers Railway Company to West Side Elevated Railway Company. In July, 1868, the West Side and Yonkers Railway Company in the structure of the bondholders and officers, changing its name to the West Side Elevated Railway Company of New York City, and ever afterward for business under this mame. Immediately thereafter, on the lat of August, 1868, under the name of the West Side Elevated Railway Company, and ever afterward foreclosed at the req property and franchises to James A. Cowing. On the \$7th of October, 1871, the New York Elevated Railway Company, the present defendants, were duty organized under the General Railroad law. The second mortgage to Cowing was foreclosed by a suit in this court; the road, property and franchises of the former company were sold under that judgment on the 6th of December, 1871, purchased by the present defendants and conveyed to them by the referee by deed dated December, 7, 1871. On the 2d of January, 1872, Cowing, the purchaser at the sale upon the foreclosure of the first mortgage, conveyed to them by the referee by deed dated December, 7, 1871. On the 2d of January, 1872, cowing, the purchaser at the sale upon the foreclosure of the first mortgage, conveyed to the defendants all the road property and franchises so purchased by him. This, it was claimed, makes a perfect deduction and chain of title to the franchises, rights and property originally of the West Side and Yoncers Elevated Railroad Company. The mortgage by that company was valid. He insisted, further, that by virtue of the title to these franchises the detendants were acting legally in constructing the turnout in question. He next took up the question as to the constitutionality of the acts under which the franchises were held, and triged in conclusion that the order continuing the inmuction was erroneous and should be reversed. In reply canceral Pryor made an equally lengthy argument. He taimed that Mr. Patten was owner in fee of the land a the street, and as such was centified to the injunction; hat he owns the soil of the street usque at medium illum via, subject only to the easement of a public way; hat the use of a street for a railroad is an additional purden beyond the public easement, which cannot be mored by any power without compensation to the imperior of a public of the way in the street; that respondent's property in the oil of the street involves the right to construct vanits. soil in the street; that respondent's property in the soil of the street involves the right to construct vanita under the street; that they have been in the actual possession and occupancy of paantiff, under claim of ownership, for more than twenty spondent's right to maintain the vaults, and that from this conceded state of facts that the soil in the street, respondent's property, has been invaded and subverted and his vaults broken, penetrated and occupied by appellant in the construction of a permanent railway to be built and operated over respondent's land, and all without consent or compensation, it results that he presents a clear case for injunctive relief. He misits, further, that the constructing and operating a railroad in a street without competent authority was a public nuisance; that only the Legislature can authorize the construction of a railroad in the street. He next considered the act of 1867, which, he claimed, was inoperative to authorize the construction of the lurnout. He insisted that this act is unconstitutional in that, being a private and local bill, it embraces several subjects, one of which, the construction of a permanent railroad, including this turnout, is not expressed in its title; that if valid the act purports only to authorize the structure here threatened, a turnout for the use of railway carriages propelled by steam; that the act of 1865 is ineffectual to authorize the construction in controversy; that it is unconstitutional in that, being a private and local bill, either it embraces two subjects, both of which are expressed in the title, and so the whole act is void (Cooley on Const. Lim., 148), or else, embracing several subjects, list title conveys no intimation of the authority to erect this turnout in 1876; that it valid the act purports only to authorize the construction of a railway before the 22d of October, 1873, and gives no authority to erect this turnout in 1876; that the act of 1875 is equally nugatory for appellant's purpose, being paipably repugnant to sections 17 and 18, article 3 of the constitution of the State, and that, being a public nuisance, and productive of a particular and peculiar injury to respondent, he has a right to interdict construction of the turnout.

At the close of the argument the

SUICIDE VITIATING A LIFE POLICY. There was an interesting argument yesterday in the superior Court, General Term, before Judges Sedgwick Superior Court, General Term, before Judges Sedgwick and Speir, upon the question as to whether suicide vitiates a life policy. The argument was in the suit brought by Harvey Weed against the Mutual Benenit Life Insurance Company to recover \$10,000 insurance on the lite of Janes M. Benedict. The policy of insurance was taken out in November, 1864, with a clause in the policy that the same should be void in case the insurer committed suicide. Three years later Mr. Benedict shot himself in the head. At the close of the argument the Court took the papers-

IGNORING THE GENERAL TERM. An irrepressible smile crept over the faces of the judges of the Supreme Court, General Term, yesterday, with a laugh generally among the lawyers present at to place counsel, as well as the General Term, oy an order granted in the case of John A. Gray against Sam-

and decided to racate Judge Donohue's order, which

THE CASE OF RUBENSTEIN. Before the Supreme Court, General Term, of the Sq: ond Department, Judges Barnard, Gilbert and Dyck man on the bench, a motion was made yesterday to strike from the calendar the case of Pesach N. Ruben strike from the calendar the case of Pesach N. Rubeustein, convicted of the murder of Sara Alexander, and whose execution under such conviction was prevented by the stay of proceedings and writ of error granted by Judge Bridy, of this department. District Attorney Britton and Assistant Instrict Attorney Snell represented the people, and Messrs. John O. Mott, Wm. A. Beach and Wm. F. Kintzing the prisoner. The motion was denied and the cause set down for argument on Friday next. Should the General Torm affirm the conviction and refuse a new truit Rubenstein will again be brought before the Court for resentence and suffer the extreme penaity of the law, unless an additional writ of error is obtained taking the case to the Court of Appeals.

BLACK FRIDAY SUITS

sale of \$855,000 worth of gold on Black Friday. The a sale of \$855,000 worth of gold on Black Friday. In defendant, as the plaintiff alleges, refused to abide by the contract, whereupon the suit was instituted, demurrer was interposed to the complaint on the ground that the plaintiff did not state sufficient facts to constitute a cause of action, inasmuch as the damage were not properly set forth. The demurrer was are gued before Chief Justice Mouell, in the Superior Court Special Term, yesterday, and decision was reserved.

SUMMARY OF LAW CASES.

William S. Keiley, the Special Term Clerk of the Court of Common Pleas, has written a work on the law New York, with forms, which must prove of great ben

> DECISIONS. SUPREME COURT-CHAMBERS

SUPREME COURT—CHAMBERS.

By Judge Lawrence.

The People, &c., vs. The Bieecker Street and Fulton Ferry Railroad Company and Southworth, &c.—I will grant an order to show cause.

Mulicions. Burchell.—In this case I desire the counsel for the respective parties to file briefs pointing out the precise questions which they wish the Court to pass upod.

Bernheimer vs. Willis.—In this case I see no reason for granting the application for a reargument. The defendant demands affirmative relief, as I understand his answer. He asks that the alleged deed be declared a mortgage, and that the plaintiff be compelled to recover the property to him upon payment of the sum which may be found due to them.

Taylor vs. Mable et al.—Counsel have omitted to present their notice of motion to the Court. The motion cannot be decided until I have the notice before me.

Stewart vs. Lappin.—Motion to vacate order of arrest granted, with \$1a costs.

The Murray Hill Bank vs. Flandrow,—Motion granted and case placed on Special Circuit calendar for May 26, 1876.

Crankshaw vs. Langley.—The supplementary affidavits is not verified.

In the matter of Hatch.—The motion or peremptory writ of mandamus is granted. The affidavits seem to show a technical demand and refusal. No costs.

Murray vs. Armstrong.—As these are on the day calendar of Special Term I do not think I ought to interfere. Leave is given to move before the Justice holding the Special Term, and the motions before me are denied, without costs.

Hoe vs. Buckmaster et al.—I cannot strike this answer out as sham. Moyland vs. Tyrel, 46 N. Y., 281; Thompson vs. Eric Railway Company, 45 N. Y., 468; Youngs vs. Kent, 46 N. Y., 672 Motion denied, without costs.

Vaih vs. Vath.—Reference ordered to Moses Ely to ascertain and report whether counsel fee and alimony

ascertain and report whether counsel fee and alimony should be granted and the amount thereof.

Wyckoff vs. Bardon.—Let an order be entered directing the plaintiff to file security for costs in the sum of \$1,000.

Ferniss vs. Ferniss.—This is an action for limited divorce, and, as I regard it as extremely doubtful whether the plaintiff can succeed, I must deny this motion, without costs. Jones vs. Jones, 2 Barb. Ch. R., 146; Stevens vs. Stevens; Coddington vs. Coadington, 10 Abbt., 450; Morrell vs. Morrell, 2 Barb., 480.

Banta vs. Kont.—The defendant's counsel is requested to send in his points in these cases.

McLean vs. Worman.—Why is this application made to the Court? The action is for the recovery of money only. (See Code, see, 246.)

Mahoney vs. Gieb et al.—The affidavit served with the active of motion being contradicted in respect to the alleged value of the mortgaged premises, I do not think that I ought to appoint a receiver. The motion is therefore denied, with leave to renew on further affidavits.

cretion, and I think correctly. Bennett vs. Jordan, 21 N. Y. 208. As this motion is nased solely on the affidavits on which the order of arrest was granted, the aflegations in these affidavits are to be taken as true. The motion must therefore be denied, with leave to the defendant to ronew upon further affidavits. No costs of motion.

Barnett vs. Benjamin.—The motion is denied on the ground that an order of arrest in an action on contract may be granted upon facts entirely independent of those necessary to be stated in complaint. See Wait's Code, p. 179, and cases cited. And also on the ground that the allegations of fraud in the complaint were necessary to show that the plaintiff was entitled to bring the action before the term of credit originally agreed upon had expired.

In the matter of Barton, &c.—In consequence of the fact that one of the petitioners is related to me, without the degree which prohibits a junge from acting, I must decline to pass upon this petition. 2 R. S., iv. 275; 2 Bart. ch. 331; Highe vs. Secor, and 1 Delino, 184. Present this to another judge.

Harriott vs. Emerson et al.—Conceding the law to be as claimed by the counsel for the detendant. The motion should be made when the case is moved for trial at the Special Term, or if the answer does not sufficiently present the acts the defendant's remedy is not by an application at Chambers to dismins the complaint. The motion should be made when the case is moved for trial at the Special Term, or if the answer does not sufficiently present the acts the defendants should move at Chambers for leave to amend the answer.—Motion denied, without costs.

Elmendorf vs. The Globe Fire Insurance Company wheeler vs. The National Bank of Commerce; Keehler vs. Wheelen.—Orders granted.

By Judge Barrett.

Hart vs. Pettit.—If the receiver still declines Mr. Hart's offer of \$200, as to the sufficiency of which I oxpress no opinion on these papers, there must, in view of the charges contained in the opposing affidivit, he a reference to take profers to a s

BUFREME COURT—SPECIAL TERM.
By Judge Larremore.
Delafield vs. Smith et al.—Judgment for plaintiff as prayed for in the complaint.
SUPREME COURT—CIRCUIT—PART 2.

SUPERIOR COURT-SPECIAL TERM.

Tyng vs. Marah et al.—Order denying motion for re-

dar.

Donaldson vs. Aldrich.—Order vacating summons and order for examination of defendant before trial.

Hazard et al. vs. Gross et al.; Phillips vs. Gross et al.—Ordered on short calendar.

Smith vs. Crow et al.—Order confirming referee's report of sale.

The National Park Bank of New York vs. Gunst.—Order settied and filed.

Folsom vs. Herring.—Ordered on short cause calen-

COMMON PLKAS—ROUITY TREM.
By Judge Van Brunt.
Braender vs. Poerschke.—Decree signed.
Kamens vs. Warner.—Findings settled.

FIFTY-SEVENTH STREET COURT. CHARGES AGAINST THE POLICE.

Officer Hess, of the Eighteenth precinct, arra

523 avenue A, on a charge of disorderly conduct, his wife Lena on a charge of viciating the Sunday cise law. He testified that he saw Mrs. Touer in cise law. He testified that he saw Mrs. Toner in the act of drawing something from a keg and that there were glasses with beer in them on a table, at which sat two men. The latter and Toner swore that thore was not a drop of beer on tap in the place when the arrests were made. Toner also swore that the arrest of nimself and wife was the result of spite on the part of Captain Garland and his officers on account of a letter which he had written to the captain some time ago, in which he threatened to seek relief at the hands of the Police Commissioners, if the crowd of loafers who were in the habit of congregating at his corner were not compelled to keep away. He had also refused to give the police either cigars or liquor without money; and this and that put together he believed to be the cause of his arrest and that of his wife.

The Court thought it to be his duty to investigate the charges here made; and for this purpose, as well as to give the officer an opportunity to make good his case, the examination was set down for to-day. The Court felt interested to know how many other places beside Toner's were open in the Eighteenth precinct on Sunday. Officer Hess could not tell him; but a prisoner, whom he had for intoxication, mentioned two liquor stores, at least, which were open all day.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CRAMBERS—Held by Judge Lawrence.—Nos. 38, 45, 68, 76, 83, 103, 109, 114, 116, 123,
125, 137, 211, 214, 261, 262, 265, 275, 281, 302, 313.

SUPREME COURT—GREERAL TREE—Held by Judge
Davis, Brady and Daniels.—Nos. 88, 139, 140, 142, 59,
79, 80, 99, 143, 143½, 144, 146, 147, 135, 138, 148, 149,
150, 152, 152½.

SUPREME COURT—SPECIAL TREE—Held by Judge
Larremore.—Demurrers.—Nos. 4, 5, 6, 13. Law and
sect.—Nos. 93, 369, 97, 96, 423, 303, 409, 96, 112, 311, 40,
518, 350, 374, 322, 328, 329, 200, 261, 362.

SUPREME COURT—URBUIT—Fart 1—Held by Judge
Donohue.—Nos. 2971, 1545, 547, 1159, 1425½, 1721,
1311, 1585, 1587, 1599, 139, 1629, 1685, 1049, 2019,
2858, 1717, 1719, 1718, 1741, 1473, 2891, 2331, 2332,
2334, 2335, 1515, 2770, 1750, 1765, 1767, 357, 1335,
1399, 1683, 1603, 1371, 1637, 1703, 1817, 1771, 1775,
1779, 1781, 1783, 1789, 1791, 1793, 1177. Part 2—
Held by Judge Barrett—Case on.—No. 2338, No day
calendar. Part 3.—Adjourned until Monday, May 15,
1876.

SUPERIOR COURT—SPECIAL TERM—Held by Chief Justice Monell.—Demurrer—No. 8. Issues of fact—Nos. 14, 32, 5, 20.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Curtis.—Nos. 1070, 1017, 1018, 1076, 1982, 715, 1082, 2120, 1987, 407, 1069, 1071, 737, 1079, 1080. Part 2—Held by Judge Santord.—Nos. 957, 958, 297, 897, 1675, 1037, 1366, 722, 608, 741, 856, 919, 1034, 838, 720.

COMMON PLEAS—GRIERAL TERM—Held by Judges Daly, Robinson and Van Brunt—Nos. 3, 19, 14, 17, 51, 56a, 58, 61, 109.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Van Hoesen.—Nos. 1, 2, 13, 3.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Van Hoesen.—Nos. 1999, 175 54, 956 54, 2079, 1037, 1550, 1718, 955, 696, 2447, 1104, 1000, 1621, 2103, 1680, 1211, 2111, 2112. Part 2.—Adjourned until Monday, May 15, 1876.

2111, 2112 Part 2—Adjourned antil Monday, May 16, 1876.

Maniar Court—Trial. Trans—Part 1—Held by Judge Sheridan.—Nos. 535, 446, 4061, 4056, 3878, 3004, 3312, 3036, 335, 1914, 4187, 4189, 4190, 4191, 4192. Part 2—Held by Judge Goepp.—Nos. 3271, 4048, 3187, 4104, 4132, 581, 3044, 4059, 4126, 6534, 7621, 6409, 6705, 1358, 4061, 4054, 4085, 4124, 4122, 4123. Part 3—Held by Judge Alker.—Nos. 5353, 7560, 7561,

#### STOKES TO STAY IN PRISON. POUGHKEEPSIE, May 8, 1876.

The General Term to-day dismissed the writ of certiorari in the Stokes case, and confirmed the action of Judge Dyckman dismissing the writ of habeas corpus, and remanding Stokes to prison. The case now goes to the Court of Appeals. THE MOULTON-BEECHER CASE.

At the General Term this morning the case of Moulton against Beecher was, by consent, put down for Thurs-day next.

REAL ESTATE.

The following sales were held at the Exchange yes erday, in the presence of a small assemblage:near Washington avenue, to the plaintiffs, the Republic Fire Insurance Company, for \$2 000.

E. A. Lawrence & Co. sold, in foreclosure, two plots of land, described as lots Nos. 479 to 488, inclusive, on Nichols place and Prescott avenue (streets marked upon the Central Park map), a part of the Dyckman state, for \$9,084, to the Excelsior Savings Bank, the

TRANSFERS.

30th st., n. s., 125 ft. e. of Sth av., 25x98.9; Jacob David and wife to Eitza Bigot.

42d st., s. s., 408.4 ft. e. of 2d av., 16.8x188.9; Mary G. Jacobses and husband to Walter L. Cutting, executor.

Lexington av., e. s., 40.5 ft. s. of 56th st., 20x78; William Roche and Mary J. Burchill. William Roche and Mary J. Burchill. 20,000 (3si at., a. s., 280 ft. w. of 3d av., 50x108.4; Walter B. Waldron and wife to G. Fountain. 13,000 (4th st., s. s., 19) ft. e. of 10th sv., 50x100.4; Theodore Schmalholz to A. S. Kaliake. 15,000 (123d st., n. s., 223 ft. w. of 6th sv., 75x100.11; Akin T. Thomas and wife to John Murphy. Nom 50th st., n. s., 170 ft. w. 10th sv., 17x irregular, also 31st st., s., 194.6ft. w. of 10th sv., 70x1 tregular, Henry Harris and wife to Benjamin Russak. 75th sv., s. s., 75 ft. w. of Madison sv., 25x102.2; 37.000 75th st., s. s., 175 it. w. of Medison av., 25x102.2; same to same.

Fight st, s. s. 1600 ft. w. of 11th av., 100x102.2;

same to same.

78th st, n. s. 200 tt. w. of 11th av., 100x102.2;

same to same. same to same... 11th av., n. w. corner of 77th at., 100x102.2; same to same
6th av. n. e. corner 126 st., 17.4x75; Philip Teess to
James II. Sullivan.
60th i., n. s., 175 ft w. of 3d av., 20x100.5; Sam
nel B Seward to II. Russell (executor).
24,000

1,000 2.000 8,000 Rider, William E, and wire.

w. corner of Mott av. and 138th st. (25d ward);
due

Same to same, s. w. corner of Mott av. and 138th st.
(25d ward.)
Ridder, Charlotte M., to Henry L. Atherton, w. a.
of Broadway (24th ward); instalments.
Schmaiholz, Theedore, to Alexander S. Kaliske, c. s.
of 1th av., n. of 53th st. 2 years, to Henry Morgan
and others, n. s. of 34th st. w. of 5th av. (ex.); 3 

NOT THIS BROGAN.

NEW YORK, May 8, 1876.

TO THE EDITOR OF THE HERALD:-In the law reports contained in last Thursday's HERALD appeared the article headed "Exonerating a Police Surgeon," which speaks of a transaction between Dr. Powell and a man named Brogan, who had enor. Powell and a han named Brogan, who had endeavored, through improper means, to be appointed on the police force, in which the name of John C. Brogan erroneously appears. Have the kindness to correct by stating that it was James C. Brogan, and not John C. who figured in that very doubtful transaction. As I am the only John C. Brogan in the city, by inserting the above you will do justice to yours truly.

JOHN C. BROGAN, No. 196 Grand street.

# BICYCLING.

History of the Sport Here and in Europe.

AMERICAN AND ENGLISH CHAMPIONS.

The Coming Contest at the Rink-Stanton and Butler's Practice.

letics is bicycling. In England it has long been the rage and has commanded the attention of some of the chines used are considered great mechanical aids to people's locomotion. Aside from this consideration prominent place on the turf since D. Stanton has taken to measuring speed with horses, many of which he has beaten in long runs, say of from six to ten miles each. Besides him, however, are other great bicycle riders in Europe, such as Keen, Markham, Moore, Thuillet and others, who are all good men, able to do fifty miles is good time. They have, however, succumbed to Stan ton from time to time in contests which attracted nearly as much attention in England at the time of their occurrence as "the Berby." For some years back this interest in the peculiar sport has been gaining ground in Ergiand and in France. In the former it has become established among the betting men as one of the best risks for their money; in the latter polite society has long since taken it up as a pastime, and in Paris there are bicycle clubs, the members of which make long jour neys of pleasure from one end of the country to the from eighty to one hundred miles a day. The custom is to travel along the highways from town to village and from village to town, pausing to lunch, sup and sleep wherever the hours for these refreshments fine can be attained by experts. For example, at one time Stanton accomplished the extraordinary feat of riding on a bicycle 650 miles in seven consecutive days, and at another time he rode 106 miles in 7h, 58m, and in the Old World have become old stories, but now there is a new interest awakening among Americans in share of popularity. Years ago all our young people were anxibus to become expert velocipedists; but the vehicles were clumsy and the thoroughlares not adapted to them, so that the keen desire for this species of locomotion died out to be revived by the introduc tion of the greatly improved English and French bicycles and the achievements of transatlantic cham pions. Our own riders, Messenger, McClellan and Harding have acquired distinction by their efforts to arouse enthusiasm in bicycling; but their achievements have not been of a character to kindle any very great flame in the popular heart. They have, however, laid the foundation for a good excitement which is is

THE PIPTY-MILE RACE. Just now, of course, the coming contest at the Rink famous bicycle rider of Great Britain, and Mr. William Butler, the champion of Kentucky, engrosses the attention of lovers of athletic sports. The latter gentleman is not a professional rider, but is, nevertheless, one of the most expert velocipedists in the country. He is a very young man and well known in our best social circles. He was a member of the Bicycle Club in Paris, and rode from that city to Brest on his favorito vehicle. He has made a journey of 122 miles in France between sunrise and sunset and took a silver medal in a race with the champion of that country for expert riding. He is tall and sim, not weighing more than 150 pounds, and is in very good condition. Yesterday afternoon, as on former occasions, both the men took a training ride at the Rink on Third avenue. A Herato reporter, who happened in there about three o'clock, found Mr. Stanton making preparations for what he called a short hour's "spin on his machine." He is about 156 pounds. He is in excellent condition, and looks as hard as from life was chalking out a rack, the entire circuit of the Rink, with the aid of a line and whiting. This somewhat tedious operation occupied his attention for more than an hour, because it was necessary that the oblong should be as periet as possible, and as nearly the size of the course to be travelled on Wednesday night as it could be made. The reporter addressed Mr. Stanton and asked him what he was about to do." Oh." replied Mr. Stanton, "I am just going to take a spin on my machine for practice. You see I have not been able to ride for the last few days, owing to the circus that was here last week, and I feel a little out of condition. You must know that a man cannot afford to neglect his practice in this kind of thing on the eve of a race, for he necessail his skill to run successfully 50 lengthy a course as that we are about to travel. Fifty miles will try a man's powers."

"What do you think of bleycling in this country?" said the reporter.

"Well, I hardly know what to think of it," replied he, "because I have not seen much of your tion of lovers of athletic sports. The latter gentleman m not a professional rider, but is, nevertheless, one o

"What do you think of bicycling in this country?" said the reporter.

"Weil, I hardly know what to think of it," replied he, "because I have not seen much of your country. About New York, it seems to me there is not that keen interest felt in it that might be expected to exist in such a large sporting centre. Perhaps this is because your streets and roads are sadly against bicycle riding. They are rough, stony and thronged all the time by cars and vehicles. If you had a track or practice ground in one of the parks perhaps gentlemen would take pleasure in the exercise, and sports, matches and displays might be more frequent. You can see how popular bicycling ain England when I tell you that the shops in Wolverhampton were all closed on the day of my last race in that neighborhood. The people took such an interest in the concest that they flocked by thousands to witness it. Bicycling has become permanently established in the Old Country, and commands as much attention there nowadays as most of the horse races. You, no doubt, have heard of the effort to train postmen to ride bicycles so that they may use them on their routes. In some places, I have been given to understand that the effort has proved successful, and it is hoped that it will be generally adopted. This is feasible in England, especially in the neighborhood of the metropous, where the roads are macadamized and hard, affording the very best surface imaginable for this kind travel. It is said that the government is going to experiment with these vehicles in the army. In my judgment, an infantry soldier, with all his accourtements, could make a journey of fifty or sixty miles a day quite tasily. Therefore, you see what an advantage this would be in Central Europe during a war when lorced marches were negasary and raitways torn up. In these days the roads of France, Germany, Austria and other countries are very good ones, as I know by having travelied on my bicycle over many of them."

"The Fractice spix."

Butler did. He is a rare good rider." At the termina-tion of this run the men were in excellent condition, just warming to their work.

and some of them are really expert riders; but knowing that it would be next to useless to form a club hero because of the bad throughfares and the want of a track in any of the parks, they have done nothing toward establishing a bicycle club here. Some of the levers of the sport sought permission from the Park Commissioners to ride in the Central Park, either in the morning or evening, for practice. It was represented to those officials that the bicycles would not be ridden at ony other time in the day than that specified in the permit. But this appeal was unsuccessful, and was denied by the Park Commissioners on the ground that these machines would frighten horses and occasion accidents. Now, what is wanted by the admirers of this sport is the privilege to ride in some sequestered part of the Park where nobody can be disturbed nor any animal terried. They think, and justify, too, no doubt, that room could be made for them in the Central Park as well as for base ball players. Strong efforts are going to be made to form a bicycle club in this city soon, and it is confidently hopsed that in a short time there will be as many patrons of the sport here as there are in England. Americans are not lukewarm when they become interested in anything, and if the club which is likely to be formed in New York only get a chance to use a portion of the park for a track bicycling will be fostered, and many spirited contests will be witnessed in the autumn evenings by our officers. Experts will grow up, and perhaps Mr. Stanton and his French friend may find their betters ere long.

In mediately after the fifty mile match next Wodnesday evening Mr. Stanton is going to Washington to run against a trotting herse. He will then go to Chicago for a similar purpose, and returning to New York will go against time from Jersey City to Philadelphia. He has other projects in view.

#### LEXINGTON RACES.

PIRST DAY OF THE SPRING MEETING OF THE KENTUCKY ASSOCIATION—FINE WEATHER AND EXCITING EVENTS-VAGRANT, THE HARTING-TON FILLY, AND MISDEAL THE WINNERS,

LEXINGTON, Ky., May 8, 1876. began to-day under the most favorable auspices, there being more strangers in attendance than have been on the grounds for many years. The track was in fine condition, the slight rain of the previous day having improved it considerably. The attendance was excellent and was sargely composed of ladies from the town and surrounding country, all whom take great interest in turi events. They made a fine display and enjoyed the sport bugely. It is a pleasure to witness the excitement that perno meeting in the year will it be found to be more genuine. The day's sport passed off with seeming satisfaction, notwithstanding that the best horses ougged were not the winners in every instance, Aaron Pennington having lost by an accident in his race. THE PHORME HOTEL STAKES.

The first race was the Phoenix Hotel Stakes, for

three-year-olds, one mile and an eighth, each carrying 90 pounds. Six came to the post, these being F. B. Harper's gray filly Very Fine, James A. Grinstead's brown filly Janet, same owner's chestnut colt Knapsack, T. J. Nichols' bay gelding Vagrant, A. Berford's black colt Yandall, and A. Keene Richard's chestnut filly Clemmie G. Vagrant was the flavorite over the field at three to one. On a false start Janet broke away from the man who had her at the post, throw her rider, and lamed herself so much that she had to be withdrawn. When the drum was tapped by Major Thomas, Vagrant sprang off with the lead, Knapsack second, Very Fine third, Clemmie G. fourth and Yandall fifth. As the horses passed the stand Vagrant led a length under a strong pull, Knapsack second, Very Fine third, Clemmie G. fourth, Yandall last. Vagrant galloped strong around the upper turn, with daylight between himself and Kanpsack, Very Fine still third, Clemmie G. fourth and Yandall as before. After Vagrant began to ascend the hill, between the half mile and three-quarter poles, he ran away from the others, and at the three-quarter pole was four lengths in front of Knapsack, Clemmie G. third, the others far

named Rairey rode him well in the race. Colored lad named Rairey rode him well in the race. Colored Bruce of the New York Turf, Field and Farm, purchased him for Mr. William Astor, with all his engagements, tor \$7,000 cash. Vagrant started six times as a two-year-old, winning on five occasions. His first essay was in the Alexander Stake, half a mile, Louisville, when he beat twelve others, Malmisto, Grit and others of the same quality being in the number. At the fall meeting of the Kentucky Association he captured a sweepstake, three-quarters of a mile, eight being behind him and The Nipper and Creedmoor were in the lot. The next day, same place, he won another sweepstake, one mile, beating seven others, the best of his old antagonists being in the rear. He won the Belle Mead Stake, three-quarters of a mile, tall meeting of the Louisville Jockey Club, and wound up the year by winning the Sanford Stakes, spring meeting of the Louisville Jockey Club, in which he carried 92 less (including 5 lbs. extra), but finished third, Creedmoor, with 90 lbs. up, being first, and Tecalco, same weight, second.

The victory and purchase of Vagrant started speculation very lively on the context to take place between Parole, Vagrant and Creedmoor at Louisville eprly will be the greatest betting race that has taken place for many years.

Year. Winner. Subs. Starters. Time. 1873. Artist. ............... 12 8 2:124,

greatest beiting race that has taken place for many years.

WINNERS OF THE PHOSHX HOTH, STAKER.

Fear. Winner. Subs. Mariers. Time.
1813. Ariist. 12 8 2:123,
1814\*. Aaron Pennington. 16 6 1:571/2
1815.. Ton Brocck. 15 6 2:13/2
1815.. Yagrant. 15 5 1:563/2
\*Reduced from one mile and a quarter to one mile and an eighth; dead heat for second place between Big Fellow and Excel.

THE FILLY STAKER.

The second race was the Pilly Stakes, for two-year-olds, a dash of half a mile. Seven faced the starter. These were Green Clay's chestnat filly Glenella, James W. Sarvel's chestnat filly Mohan, A. Buford's black mily Lizzie Whips, Green Clay's chestnat filly by Gifroy, dam by Ringgold; Lyle & Scully's black filly, by Gifroy, dam by Ringgold; Lyle & Scully's black filly, by Australian, dam Isda, and the same owners' bay filly, by imported Hartington, dam Isaura Bruce. Glenella was the favorite. Lizzie Whips was first away, after half an hour wasted in getting them into position, Gienella ascond, Gifroy's filly dom Ringgold; third, Mohan fourth, the others in a bunch. Going around the upper turn they were all lapped on each other in a cluster, and at the three-quarter pole the Hartington filly was slightly in the lead, Lizzie Whips seconds, the Gienella filly third, with the others so close that they could not be separated. Time of the first quarter, 20% seconds. Running up the homestretch the race was very doubtied until the youngsters reached the wire, the Hartington filly being first at the score by a length, Glenella second, Lizzie Whips third, Mohun fourth, the Australian filly out of Lidaj flith, the Gifroy-Ringgold filly sixth. Time of the second quarter 26 seconds, and of the half-mile 52/4 seconds.

In Winner 2015 She is a speedy looking filly, with muscular quarters, and has a smart racing cut about her.

ONE MILE.

The third race was a dash of one mile for a purse of \$250. Which horses started comprising J. & Grin.

Georgie Bowman tifth, The Bencher sixth, Go seventh and Carrie Anderson eighth. Time mile, 1:43)4.

seventh and Carrie Anderson eighth. Time of the mile, 1:43).

SUMMARY.

LEXINGTON, Ky., May S. 1876.—First DAY OF THE SPRING MENTISO OF THE KINSTUCKY ASSOCIATION—FIRST RACK.—The Phoenty Hotel Stakes, for three year olds, \$50 each, p. p., \$300 added, one mide and an eighth, closed with 15 nominations. Value, \$1,050.

T. J. Nichols's b. g. Vagrant, by Virgil, dam Lazy, by imp. Socythian, 87 lbs. (Rairey).

1. A. Keene Richard's ch. f. Clemme G., by War Dance, Dam Alexander, by imp. Sovereign, 87 lbs. 2

Jas. A. Grinstead's ch. c. Knapsack, by War Dance, dam See Dougherty, by Mickey Free, 30 lbs.

2. B. Harpers gr. f. Very Fine, by Engancer, dam Fanny Weils, 87 lbs.

4. Hofard's bik. c. Yandail, by Enguirer, dam Fanny Weils, 87 lbs.

4. Hofard's bik. c. Yandail, by Enguirer, dam Grand Duchess, by Vandal, 90 lbs.

4. Jas. A. Grinstead's br. f. Janet, by Lightning, dam Kelpie, by Bonnie Scotland, 87 lbs.

4. On the track, but lamed in breaking away.

SANEJDAY—SECOND RACE.—The Filly Stakes, for two-year-olds, \$50 entrance, \$25 torfeit, with \$250 added; the second filly to save her stake. Half a mile, closed with 11 nominations.

Lyle & Scully's b. f. by imp. Hartington, dam Laura Bruce, by Star Davis.

Green Clay's ch. f. Glenella, by imp. Glenelg, dam Sequin, by imp. Eclipse.

4. Buford's bik. f. Lizzne Whipps, by Enquirer, dam Grand Duchess, by Vandal.

James A. Grinstead's ch. f. Mohun, by Gilroy, dam Sequin, by imp. Eclipse.

4. F. Vissinan's bik. I. by imp. Australian, dam Lida, by Lexington.

5. Green Clay's ch. f. by Gilroy, dam by Ringgold.

6. Time—\$25, asconds.

SAME DAY—Turne RACE.—Purse of \$250, for all ages; \$200 to the first and \$50 to the second horse. One mile.

James A. Grinstead's ch. f. Misdeal, 4 years, by Chicky den Mickey den Mickey days.

MC-DIV'S DACES

The Lexington races appear to be very popular with speculators, as the pool selling was quite spirited last night. McGrath's lot were fancied in both events, not withstanding the poor show made by Pennington yes-terday. The following pools were sold:—

MATE AT NEWMARKET.

In reference to the performance of Mr. M. H. San-

for i's bay horse, Mate in the City and Suburban, run at Newmarket 25th uit, the London Reartaman says:—

An object of some attention in the paddock was the American horse Mate, who was supported at Newmarket last week on behalf of his owner. Without seeming to carry so much flesh as did Preakness in his engagement at headquarters, Mate yet looked decidedly on the big side, though we are told that in America the horses have invariably run when in that condition. Mate was one of the most powerful horses ever seen at Epsom, but it is evident that the loreigners have not speed to compete with the English thoroughbreds, though on longer courses one or two of Mr. Sanford's champions may win races, and it is to be hoped that the team will not return to America without proving victorious on this side of the Atlantie, for the owner has shown the greatest amount of enterprise in sending a lot of race horses to England.

THUNDER'S GREAT PERFORMANCE.

The performance of Mr. H. F. C. Vyner's bay horse Thunder in winning the City and Suburban at New market, with 130 lbs. up, calls forth special comment by the London Sportsman, 26th ult., the day following the

front of Knapsack, Clemmie G. third, the others far away and entirely out of the race. Knapsack bolted as soon as he got into the homestretch, and then Clempile G. went up second, but she was nowhere at the finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish, as Vagrant came down the homestretch like a finish finish cap winners. Heavy weights have been carried to the finish as the light of the mass imports have been carried to the finish point in many of the most important races, and old horses with big imposts have been carried to the finish point in many of the most important races, and old horses with big imposts have been carried to the finish point in many of the most important races, and old horses with big imposts have been carried to the finish of a great horse, and one entities had that of a great horse, and one entities that the location of a preath orse, and one entities that of a great horse, and one entities that of a great horse, and one entities, and to take the that of a great horse, and one entities that of a great horse, and one entities that the that of a great horse, and one entities that the that of a great horse, and one entities that that of a great horse, and one entities that the that a point in many of the most remarkable of our nandicap winners. Heavy weights have been carried to the location of the horses with big imposts have been carried to the carried to the finith point in many of the most imported part in the city department. It supports that the distanct in the City and blow beaten highly tried juvenilies before to-day, but in connection with the City on in miles before to-day, but in connection with the City went the dam dying the year after fealing Thunder, who during his career has won nineteen races, of the value of £0,195. The late Baron Rothschild claimed him out of a selling races at Newmarket for £1,000 on behalf of the Duke of St. Albans and Matthew Dawson, who wos some race with him, and then sold the horse to Mr. Vyner for £2,000, the chief reason of the purchase being to get a horse to lead Camballo in his work last year. Archer deserves a word of praise for the way in which he handled the winner, who must be regarded as a wonder, for it is impossible to think that those who flaished behind him represented a moderate lot of horses. Thunder is engaged in the creat Cheshire Stakes at Cheshire, for which the imposts have not yet been made known.

## A NEW YACHT.

Mr. Willis, of Port Washington, has just launched a new open sloop named the "Thomas Paine," which hy intends to enter in the Centennial regatia. Her dimen sions are as follows:—Water and deck line, each 27 lee 7½ inches; keel, 7 inches deep by 11 inches wide depth of trunk, 3 feet 6 inches; beam, 12 feet 9½ inches; centre board, 9 feet 2 inches long; stern post 4 feet 6 inches; stern, 3 feet 9 inches; cock pit, 12 feet 8 inches long. She is to be rigged with jib and main sait, and will have her mast stepped this week. She is to have a suit of racing sails supplied by John Sawyer, similar to those worn by the Maude, W. T. Lee, Brooklyn and other well known flyers. She is to make a trial trip on Saturday next, and will fly the pennant of the New Rochelle Yacht Club.

## YACHTING NOTE.

Yacht West Wind, N.Y.Y.C., from the eastward passed Whitestone yesterday in tow for New York.

BASE BALL NOTES.

The Mutuals defeated the Bostons at Boston yesterday—5 to 1—the "Reds" not scoring until the last inuing. At Philadelphia the Hartfords again defoated the Athletics, the score being 7 to 4. The Mutuals and Hartfords play on the Union Grounds this afternoon.

INTERNATIONAL CHESS TOURNA-

For several weeks past a match in which the most famous players of America and England will be brought together has been under consideration. On Saurday next Mr. Alberoni will leave for England and will carry next Mr. Alberoni will leave for England and will carry with him papers authorizing him to arrange all the preliminaries of the match. Immediately upon his arrival he will deposit the sum of \$500 in reliable hands, and will then, acting as the agent of the players in New York, challenge the best players in England to compete with those in America. By a special arrangement with the cable company they agree to send three moves of the contending parties each day, and it is bedecided in less than two wocks.

Messars. McKonzie, Mason, Richardson, Barnett, Brenzingar and Delmar will control the American game, while the English will be under the direction of the most colebrated players that the West End Club can bring together. The entire expense of the match is assumed by Mr. Lueders.

In addition to the prize money, a medal has been offered by Mr. Sheitha, upon one side of which is an appropriate tribute to the victor, and upon the other side of which will be represented upon a chess board of black and white enamed the successful move of the final game.

WHAT MR. MULLEN MAY DO.

WHAT MR. MULLEN MAY DO.

In your Sunday edition I noticed a challenge from Edward Mullen stating that he is ready to make a Edward Mullen stating that he is ready to make a match with Brown, Smith or Oddy. Now, what I wish to say is that, while Oddy was in Yonkers prior to going to Chicago word was sent to Mr. Mullen to coins to Youtkers to got on a match with Oddy, which he promised to do, but did not put in an appearance. Now, if Mr. Mullen is willing to make a match with Oddy and to show business, let him deposit \$100 in the hands of the New Tork Clipper and it will be immediately covered; or lot him come to Yonkers and he can be accommediated for \$100 or upward.